

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIK HAUG,

Plaintiff,

v.

CAROLYN W COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 12-cv-05783 JRC

ORDER GRANTING MOTION FOR
ATTORNEY'S FEES PURSUANT
TO 42 U.S.C. § 406(b)

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 3; Consent to Proceed Before a United States Magistrate Judge, ECF No. 5). This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) (*see* ECF No. 18). Defendant has no objection to plaintiff's request (*see* ECF No. 19).

The Court may allow a reasonable fee for an attorney who represented a Social Security Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in

1 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*
2 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first
3 to such agreement and will conduct an independent review to assure the reasonableness of the
4 fee requested, taking into consideration the character of the representation and results achieved.
5 *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the
6 fee agreement is the primary means for determining the fee, the Court will adjust the fee
7 downward if substandard representation was provided, if the attorney caused excessive delay, or
8 if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151
9 (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

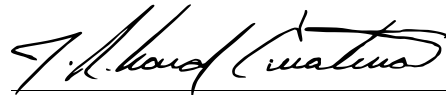
10 Here, the representation was standard, at least, and the results achieved excellent (*see*
11 ECF No. 18, Attachments 1, 2). *See Grisbrecht, supra*, 535 U.S. at 808. The parties stipulated to
12 remand pursuant to sentence 6 of 42 U.S.C. § 405(g) because the transcript from plaintiff's
13 hearing could not be prepared (*see* ECF No. 10). Following remand, a new hearing was held that
14 resulted in a fully favorable decision by an Administrative Law Judge. There has not been
15 excessive delay and no windfall will result from the requested fee.

16 Plaintiff's total back payment was \$55,008.00 (*see* ECF No. 18, Declaration of Counsel,
17 Attachment 1, pp. 2-3; Notice of Award, Attachment 2, pp. 4, 6). Plaintiff has moved for a
18 attorney's fee award of \$7,000.00 (plus costs of \$17.80 (certified mail)) (*see* Motion, ECF No.
19 18). *See* 31 U.S.C. §§ 3711(a), 3716(a); *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S.
20 LEXIS 4763 at ***6-***7 (2010); *see also Parish v. Comm'r. Soc. Sec. Admin.*, 698 F.3d 1215,
21 1221 (9th Cir. 2012).

22 Based on plaintiff's motion and supporting documents (*see* ECF Nos. 18, 18-1, 18-2),
23 and with no objection from defendant (*see* ECF No. 19), it is hereby ORDERED that attorney's
24

1 fees in the amount of \$7,000 be awarded to plaintiff's attorney pursuant to 42 U.S.C. § 406(b). It
2 also is ORDERED that costs in the amount of \$17.80 shall be awarded to plaintiff pursuant to 28
3 U.S.C. § 1920.

4 Dated this 15th day of August, 2014.

5 
6

7 J. Richard Creatura
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24